

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed February 22, 2006 (Paper No./Date 20060221). Applicants should not be presumed to agree with any statements made in the Office Action unless otherwise specifically indicated by Applicants.

I. Claim Rejection Under 35 U.S.C. § 102(e)

A. Statement of the Rejection

Claims 1-4 and 14-18 have been rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,392,664 to White *et al.*, hereinafter referred to as *White*. Applicants respectfully traverse these rejections.

B. Discussion of the Rejection

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e). In the present case, not every feature of the claimed invention is represented in the *White* reference.

Independent Claim 1

Independent claim 1, as previously presented, recites:

1. A method for providing a television menu comprising:
receiving a plurality of television channels provided by a respective plurality of television services via a settop terminal (STT);
storing definitional information regarding a plurality of television menus in which each of the television menus includes at least one television menu option, the at least one television menu option being defined for each of the television menus based on each television service;
associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by the respective plurality of television services;
selecting one of the plurality of television channels via the STT;
receiving an input signal from a user to provide a television menu;
responsive to the input signal, identifying a television service corresponding to the selected television channel currently being provided to the user via the STT; and

providing one of the television menus of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service for the selected television channel,
wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television channel.

(Emphasis Added)

Independent claim 1 is allowable over *White* for at least the reason that *White* fails to disclose, teach or suggest the emphasized elements of independent claim 1 above. Specifically, *White* does not disclose, teach or suggest “associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by the respective plurality of television services,” and that “a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television channel.”

It is asserted in the Office Action that “associating jukebox menu to ‘jukebox channel’ provided by jukebox service, associating video menu to ‘video channel’ provided by video-on-demand service, associating game menu to ‘games channel’ provided by games service,” constitutes associating “each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by the respective plurality of television services.” *Office Action page 3*. Applicants respectfully disagree with this characterization of *White*.

White appears, *arguendo*, to teach an electronic program guide which “contributes to user perception of on-demand video” and other interactive services “as just another channel.” See *White column 6, lines 10-13*. Specifically, *White* recites at column 1, lines 33-41:

... the invention provides a video entertainment system in which ***conventional television programming and novel interactive entertainment are presented in an integrated fashion, with the user being able to seamlessly switch from one to the***

other without a disruptive change in context or in production sophistication. Illustrative interactive entertainment includes channels providing customized news, celebrity chat, games, and jukebox services.

(Emphasis added.)

And at column 2, lines 24-27, *White* recites:

... one or more *interactive services servers* 30, which output HTML-based programming (e.g. customized news, celebrity chat, interactive jukebox, and interactive games), as further detailed below.

(Emphasis added.)

As indicated in the two passages above, *White* appears, *arguendo*, to teach interactive entertainment services that are integrated with conventional television programming. *White* further recites at column 3, lines 41-44:

The user interface 56 in the illustrated embodiment refers to various on-screen visual displays through which--in conjunction with the remote control 52--the user can effect various choices. *One of these is switching viewing channels.*

(Emphasis added.)

Even if *White* teaches, *arguendo*, that the user may choose to switch viewing channels, there is no description of any other functionality associated with conventional television channels and no mention of "associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by the respective plurality of television services" as recited in independent claim 1 above.

More specifically, *White* recites at column 3, lines 50-53:

The operation of the *system is first described with reference to the video-on-demand service*. To view an on-demand video, the user first tunes the client terminal 14 to a predetermined channel, the "VIDEO channel."

(Emphasis added.)

As indicated above, *White* appears, *arguendo*, to describe a system utilizing interactive entertainment services such as video-on-demand. Other interactive services such as Jukebox, Celebrity Chat, Games and News are also described in turn. *White* recites at column 3, line 66 through column 4, line 1:

The VIDEO channel is a viewer channel--it is the channel to which the viewer switches to receive video on demand programming.

(Emphasis added.)

Further, at column 4, lines 12-22, *White* recites:

On the VIDEO channel, ***the user is presented an introductory UI screen 64 of the sort shown in FIG. 4. This screen includes four components: a topical listing of movie categories 66; a feature 68 permitting the user to search a database of available videos by title, actor, director, keywords, etc; a promotion 70 of one of more featured video titles; and other advertising 72.*** This screen is defined by HTML primitives sent over the network 16, as rendered by the client terminal 14. In the illustrated embodiment, the HTML primitives associated with the video selection screen 64 are sent from the proxy server 24.

(Emphasis added.)

Even if *White* teaches, *arguendo*, a system with interactive entertainment services, these services are perceived as a conventional television channel. Indeed, at column 6, lines 58-63, *White* recites:

By techniques such as these, ***viewers encounter interactive video entertainment and conventional television programming in a seamless, familiar context.*** This is important because, as will be evident from the following discussion, ***interactive video entertainment itself can be quite different from conventional TV.***

(Emphasis added.)

As is indicated above, *White* appears, *arguendo*, to emphasize an interface where interactive video entertainment and conventional television programming are presented in a similar context. As highlighted above, *White* also recites that “interactive video entertainment ... can be ... different from conventional TV.” *White* further recites that it “is desirable to present all video

services in this television-like paradigm....” *Column 6, lines 13-14*. Even if *White* teaches, *arguendo*, a user interface associated with the video-on-demand channel or other interactive video entertainment channels, the goal appears, *arguendo*, “to make the screen look like a television screen.” *Column 6, lines 22-23*. Assuming *arguendo*, that *White* provides an interface for interactive video entertainment channels, and also assuming, *arguendo*, that *White* provides for choosing to change conventional television channels, Applicants respectfully submit that *White* is primarily concerned with interactive video entertainment channels for the perception of the interactive video entertainment channels as if they were conventional television channels.

Accordingly, Applicants respectfully assert that nowhere does *White* disclose the feature of “associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by the respective plurality of television services; ... wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television channel,” as recited in claim 1. Applicants respectfully submit that since *White* does not anticipate independent claim 1, as previously presented, claim 1 is in condition for allowance and the rejection should be withdrawn.

Further, Applicants respectfully submit that because independent claim 1 is allowable, as argued above, dependent claims 2-4 are allowable as a matter of law for at least the reason that they contain all the elements, features and limitations of independent claim 1. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of these claims be withdrawn.

Independent Claim 14

Independent claim 14, as previously presented, recites:

14. A method for providing a television menu comprising:
receiving a plurality of television services via a settop terminal (STT);
storing definitional information regarding a plurality of television menus in which
each television menu includes at least one television menu option, the at

least one television menu option being defined for each television menu based on each television service;
 selecting one of the plurality of television services via the STT;
 receiving an input signal corresponding to a menu command to provide a television menu based on the selected television service;
 responsive to receiving the input signal, identifying a television service that is currently being provided to the user via the STT;
associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television services; and
 providing the corresponding one of the television menus of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service that is currently being provided to the user via the STT,
wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television service of the plurality of television services in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television service.

(Emphasis added.)

Independent claim 14 is allowable over *White* for at least the reason that *White* fails to disclose, teach or suggest the emphasized elements of independent claim 14 above. Specifically, *White* does not disclose, teach or suggest “associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television services,” and that “a corresponding one of the television menus of the plurality of television menus is provided for each and every television service of the plurality of television services in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television service.”

As argued above, *White* appears, *arguendo*, to teach an electronic program guide which “contributes to user perception of on-demand video” and other interactive services “as just another channel.” See *White* column 6, lines 10-13. As is indicated above, *White* appears, *arguendo*, to emphasize an interface where interactive video entertainment and conventional television programming are presented in a similar context. Even if *White* teaches, *arguendo*, a user interface associated with the video-on-demand channel or other interactive video entertainment channels, the goal appears, *arguendo*, “to make the screen look like a television

screen.” *Column 6, lines 22-23*. Assuming, *arguendo*, that *White* provides an interface for interactive video entertainment channels, and also assuming, *arguendo*, that *White* provides for choosing to change conventional television channels, Applicants respectfully submit that *White* is primarily concerned with interactive video entertainment channels for the perception of the interactive video entertainment channels as if they were conventional television channels.

Accordingly, Applicants respectfully assert that nowhere does *White* disclose the feature of “associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television services; ... wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television service of the plurality of television services in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television service,” as recited in claim 14. Applicants respectfully submit that since *White* does not anticipate independent claim 14, as previously presented, claim 14 is in condition for allowance and the rejection should be withdrawn.

Further, Applicants respectfully submit that because independent claim 14 is allowable, as argued above, dependent claims 15-18 are allowable as a matter of law for at least the reason that they contain all the elements, features and limitations of independent claim 14. *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Therefore, Applicant respectfully requests that the rejection of these claims be withdrawn.

II. Claim Rejection Under 35 U.S.C. § 103(a)

A. Statement of the Rejection

Claims 5-13 and 19-24 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *White* in view of U.S. Pat. No. 6,738,978 to Hendricks *et al.*, hereinafter referred to as *Hendricks*. Applicants respectfully traverse this rejection.

B. Discussion of the Rejection

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office (“USPTO”) has the burden under section 103 to establish a *prima*

facie case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

In the present case, it is respectfully asserted that a *prima facie* case for obviousness has not been established.

Independent Claim 5

Independent claim 5, as previously presented, recites:

5. A programmable television services client device that provides television control services, said client device comprising:
 - a device for selecting one of a plurality of television channels provided by a respective plurality of television services;
 - memory for storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television service; and
 - a processor coupled to said memory that is configured to receive an input signal from a user, responsive to the input signal identify a television service corresponding to the selected television channel that is currently being provided to the user, ***associate each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by the respective plurality of television services***, and provide the corresponding one of the television menus of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service for the selected television channel,

wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television channel.

(Emphasis added.)

Applicants respectfully submit that the combination of *White* in view of *Hendricks*, does not disclose, teach or suggest the emphasized features of independent claim 5 above. More specifically, *White* in view of *Hendricks* does not disclose, teach or suggest “a processor coupled to said memory that is configured to ... associate each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by the respective plurality of television services ... wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television channel,” as recited in independent claim 5.

As argued above, *White* appears, *arguendo*, to teach an electronic program guide which “contributes to user perception of on-demand video” and other interactive services “as just another channel.” See *White* column 6, lines 10-13. As is indicated above, *White* appears, *arguendo*, to emphasize an interface where interactive video entertainment and conventional television programming are presented in a similar context. Even if *White* teaches, *arguendo*, a user interface associated with the video-on-demand channel or other interactive video entertainment channels, the goal appears, *arguendo*, “to make the screen look like a television screen.” Column 6, lines 22-23. Assuming, *arguendo*, that *White* provides an interface for interactive video entertainment channels, and also assuming, *arguendo*, that *White* provides for choosing to change conventional television channels, Applicants respectfully submit that *White* is primarily concerned with interactive video entertainment channels for the perception of the interactive video entertainment channels as if they were conventional television channels.

Accordingly, Applicants respectfully assert that nowhere does *White* disclose, teach or suggest the feature of “a processor coupled to said memory that is configured to ... associate each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by the respective plurality of television services ... wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television channel,” as recited in independent claim 5. Since *Hendricks* does not remedy this deficiency, Applicants respectfully submit that the rejection to independent claim 5 be withdrawn.

Because independent claim 5 is allowable over the proposed combination, dependent claims 6-8 are allowable as a matter of law for at least the reason that the dependent claims 6-8 contain all elements of the respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 9

Independent claim 9, as previously presented, recites:

9. A programmable television services client device that provides television control services, said client device comprising:
 - a device for selecting one of a plurality of television services;
 - memory for storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television service; and
 - a processor coupled to said memory that is configured to receive an input signal corresponding to a menu command, and responsive to receiving the input signal identify a television service that is currently being provided to the user, ***associate each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television services***, and provide the corresponding one of the television menus of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service,

wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television service of the plurality of television services in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television service.

(Emphasis added.)

Applicants respectfully submit that the combination of *White* in view of *Hendricks*, does not disclose, teach or suggest the emphasized features of independent claim 9 above. More specifically, *White* in view of *Hendricks* does not disclose, teach or suggest “a processor coupled to said memory that is configured to ... associate each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television services ... wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television service of the plurality of television services in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television service,” as recited in independent claim 9.

As argued above, *White* appears, *arguendo*, to teach an electronic program guide which “contributes to user perception of on-demand video” and other interactive services “as just another channel.” See *White* column 6, lines 10-13. As is indicated above, *White* appears, *arguendo*, to emphasize an interface where interactive video entertainment and conventional television programming are presented in a similar context. Even if *White* teaches, *arguendo*, a user interface associated with the video-on-demand channel or other interactive video entertainment channels, the goal appears, *arguendo*, “to make the screen look like a television screen.” *Column 6, lines 22-23*. Assuming, *arguendo*, that *White* provides an interface for interactive video entertainment channels, and also assuming, *arguendo*, that *White* provides for choosing to change conventional television channels, Applicants respectfully submit that *White* is primarily concerned with interactive video entertainment channels for the perception of the interactive video entertainment channels as if they were conventional television channels.

Accordingly, Applicants respectfully assert that nowhere does *White* disclose, teach or suggest the feature of “a processor coupled to said memory that is configured to ... associate

each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television services ... wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television service of the plurality of television services in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television service,” as recited in independent claim 9. Since *Hendricks* does not remedy this deficiency, Applicants respectfully submit that the rejection to independent claim 9 be withdrawn.

Because independent claim 9 is allowable over the proposed combination, dependent claims 10-13 are allowable as a matter of law for at least the reason that the dependent claims 10-13 contain all elements of the respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 19

Independent claim 19, as previously presented, recites:

9. A programmable television services client device that provides television control services, said client device comprising:
a device for selecting one of a plurality of television channels;
memory for storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television channel; and
a processor coupled to said memory that is configured to receive an input signal from a user, responsive to the input signal identify a television channel that is currently being provided to the user, *associate each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by a respective plurality of television services*, and provide the corresponding one of the television menus of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television channel,
wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television channel.

(Emphasis added.)

Applicants respectfully submit that the combination of *White* in view of *Hendricks*, does not disclose, teach or suggest the emphasized features of independent claim 19 above. More specifically, *White* in view of *Hendricks* does not disclose, teach or suggest “a processor coupled to said memory that is configured to ... associate each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by the respective plurality of television services ... wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television channel,” as recited in independent claim 19.

As argued above, *White* appears, *arguendo*, to teach an electronic program guide which “contributes to user perception of on-demand video” and other interactive services “as just another channel.” See *White* column 6, lines 10-13. As is indicated above, *White* appears, *arguendo*, to emphasize an interface where interactive video entertainment and conventional television programming are presented in a similar context. Even if *White* teaches, *arguendo*, a user interface associated with the video-on-demand channel or other interactive video entertainment channels, the goal appears, *arguendo*, “to make the screen look like a television screen.” *Column 6, lines 22-23*. Assuming, *arguendo*, that *White* provides an interface for interactive video entertainment channels, and also assuming, *arguendo*, that *White* provides for choosing to change conventional television channels, Applicants respectfully submit that *White* is primarily concerned with interactive video entertainment channels for the perception of the interactive video entertainment channels as if they were conventional television channels.

Accordingly, Applicants respectfully assert that nowhere does *White* disclose, teach or suggest the feature of “a processor coupled to said memory that is configured to ... associate each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by the respective plurality of television services ... wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of the television menus of the plurality of

television menus including at least one television menu option that corresponds to the selected television channel,” as recited in independent claim 19. Since *Hendricks* does not remedy this deficiency, Applicants respectfully submit that the rejection to independent claim 19 be withdrawn.

Because independent claim 19 is allowable over the proposed combination, dependent claim 20 is allowable as a matter of law for at least the reason that dependent claim 20 contains all elements of the respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 21

Independent claim 21, as previously presented, recites:

21. A programmable television services client device that provides television control services, said client device comprising:
means for selecting one of a plurality of television channels;
means for storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television channel;
means for receiving an input signal from a user; and
responsive to the input signal,
means for identifying a television channel that is currently being provided to the user,
means for associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by a respective plurality of television services, and
means for providing the corresponding one of the television menus of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television channel,
wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television channel.

(Emphasis added.)

Applicants respectfully submit that the combination of *White* in view of *Hendricks*, does not disclose, teach or suggest the emphasized features of independent claim 21 above. More

specifically, *White* in view of *Hendricks* does not disclose, teach or suggest “means for associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by a respective plurality of television services ... wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television channel,” as recited in independent claim 21.

As argued above, *White* appears, *arguendo*, to teach an electronic program guide which “contributes to user perception of on-demand video” and other interactive services “as just another channel.” *See White column 6, lines 10-13.* As is indicated above, *White* appears, *arguendo*, to emphasize an interface where interactive video entertainment and conventional television programming are presented in a similar context. Even if *White* teaches, *arguendo*, a user interface associated with the video-on-demand channel or other interactive video entertainment channels, the goal appears, *arguendo*, “to make the screen look like a television screen.” *Column 6, lines 22-23.* Assuming, *arguendo*, that *White* provides an interface for interactive video entertainment channels, and also assuming, *arguendo*, that *White* provides for choosing to change conventional television channels, Applicants respectfully submit that *White* is primarily concerned with interactive video entertainment channels for the perception of the interactive video entertainment channels as if they were conventional television channels.

Accordingly, Applicants respectfully assert that nowhere does *White* disclose, teach or suggest “means for associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television channels provided by a respective plurality of television services ... wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television channel of the plurality of television channels in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television channel,” as recited in independent claim 21. Since *Hendricks* does not remedy this deficiency, Applicants respectfully submit that the rejection to independent claim 21 be withdrawn.

Because independent claim 21 is allowable over the proposed combination, dependent claim 22 is allowable as a matter of law for at least the reason that dependent claim 22 contains all elements of the respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 23

Independent claim 23, as previously presented, recites:

23. A programmable television services client device that provides television control services, said client device comprising:
means for selecting one of a plurality of television services;
means for storing definitional information regarding a plurality of television menus in which each television menu includes at least one television menu option, the at least one television menu option being defined for each television menu based on each television service;
means for receiving an input signal corresponding to a menu command; and responsive to the input signal,
means for identifying a television service that is currently being provided to the user,
means for associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television services, and
means for providing the corresponding one of the television menus of the plurality of television menus to the user that includes at least one television menu option that is selected based on the identified television service,
wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television service of the plurality of television services in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television service.

(Emphasis added.)

Applicants respectfully submit that the combination of *White* in view of *Hendricks*, does not disclose, teach or suggest the emphasized features of independent claim 23 above. More specifically, *White* in view of *Hendricks* does not disclose, teach or suggest “means for associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television services ... wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television

service of the plurality of television services in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television service,” as recited in independent claim 23.

As argued above, *White* appears, *arguendo*, to teach an electronic program guide which “contributes to user perception of on-demand video” and other interactive services “as just another channel.” See *White* column 6, lines 10-13. As is indicated above, *White* appears, *arguendo*, to emphasize an interface where interactive video entertainment and conventional television programming are presented in a similar context. Even if *White* teaches, *arguendo*, a user interface associated with the video-on-demand channel or other interactive video entertainment channels, the goal appears, *arguendo*, “to make the screen look like a television screen.” Column 6, lines 22-23. Assuming, *arguendo*, that *White* provides an interface for interactive video entertainment channels, and also assuming, *arguendo*, that *White* provides for choosing to change conventional television channels, Applicants respectfully submit that *White* is primarily concerned with interactive video entertainment channels for the perception of the interactive video entertainment channels as if they were conventional television channels.

Accordingly, Applicants respectfully assert that nowhere does *White* disclose, teach or suggest “means for associating each one of the television menus of the plurality of television menus to a corresponding one of the plurality of television services ... wherein a corresponding one of the television menus of the plurality of television menus is provided for each and every television service of the plurality of television services in response to selection thereof, the provided corresponding one of the television menus of the plurality of television menus including at least one television menu option that corresponds to the selected television service,” as recited in independent claim 23. Since *Hendricks* does not remedy this deficiency, Applicants respectfully submit that the rejection to independent claim 23 be withdrawn.

Because independent claim 23 is allowable over the proposed combination, dependent claim 24 is allowable as a matter of law for at least the reason that dependent claim 24 contains all elements of the respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



Jeffrey R. Kuester, Reg. No. 34,367

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500